

NOV 16 2005

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named	
Inventor : Wenda C. Carlyle	Group Art Unit: 3738
Appn. No.: 09/014,087	
Filed : January 27, 1998	Examiner:
For : BIOPROSTHESES WITH ASSOCIATED GROWTH FACTORS	Paul B. Prebilic
Docket No.: S16.12-0062	

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## CERTIFICATION OF TELEFACSIMILE TRANSMISSION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

571-273-8300

Sir:

I certify that the following papers are being telefacsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

1. Notice of Appeal
2. Charge Authorization Form PTO-2038

WESTMAN, CHAMPLIN &amp; KELLY, P.A.

Date: November 16, 2005

By: Hallie A. Finucane  
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HAF:lms

5 PAGES - INCLUDING COVER PAGE

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Wenda C. Carlyle	
Appln. No.:	09/014,087	Group Art Unit: 3738
Filed:	January 27, 1998	
For:	PROSTHESES WITH ASSOCIATED GROWTH FACTORS	Examiner:
Docket No.:	S16.12-0062	Paul B. Prebilic

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

11/17/2005 TL0111 00000034 09014087  
 01 FC:1401 500.00 OP  
 02 FC:1252 450.00 OP  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

I HEREBY CERTIFY THAT THIS PAPER IS  
 BEING TRANSMITTED VIA FACSIMILE, 571-  
 273-8300, TO THE COMMISSIONER FOR  
 PATENTS THIS

16 DAY OF November, 2005.

Hallie A Finegan  
PATENT ATTORNEY

Sir:

Applicant appeals to the Board of Patent Appeals and Interferences from the decision of the Primary Examiner mailed June 16, 2005, finally rejecting claims 1, 2, 4-11, 14, 15 and 21-28.

## FEE STATUS

[ ] Small entity status under 37 C.F.R. §§ 1.9 and 1.27 is established by a verified statement previously filed on ---.

## FEE FOR FILING NOTICE OF APPEAL

Pursuant to 37 C.F.R. § 1.17(b) the fee for filing the Notice of Appeal is:

[X] other than a small entity	\$500.00
[ ] small entity	\$250.00

## EXTENSION OF TIME

These proceedings are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(a) [X] Applicant petitions for an extension of time under 37 C.F.R. § 1.17(a)-(d) for the total number of months

Adjustment date: 11/17/2005 TL0111 00000034 09014087  
 01 FC:1251 -120.00 OP

-2-

checked below:

<u>Extension (months)</u>	<u>Fee for other than small entity</u>	<u>Fee for small entity</u>
[ ] one month	\$ 120.00	\$ 60.00
[X] two months	\$ 450.00	\$225.00
[ ] three months	\$1,020.00	\$510.00
[ ] four months	\$1,590.00	\$795.00

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

[X] An extension for one month has already been secured and the fee paid therefor of \$120.00 is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$330.00

or

(b) [ ] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time.

#### **TOTAL FEE DUE**

The total fee due is:

Notice of Appeal fee	<u>\$500.00</u>
Extension fee (if any)	<u>\$330.00</u>
Total Fee Due	<u>\$830.00</u>

#### **FEE PAYMENT**

- [X] Charge Authorization Form PTO-2038 for the amount of \$830.00 is attached.
- [ ] Charge Deposit Account No. 23-1123, the sum of \$\_\_\_\_\_.

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The Director is authorized to charge any additional fees associated with this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By:

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